

Chair Boyle called the regularly scheduled meeting to order at 10:05 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson and Landis present and Commissioner Vap excused.

GENERAL ADMINISTRATION

Notice was duly published July 29, 2003, on Page 5 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held August 5, 2003, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Tuesday, August 5, 2003:

- C-2925 Commission Hearing Room, Lincoln.
1:30 Petition for Declaratory Ruling of Lincoln Electric System, Lincoln, seeking a determination that Title 291, Chapter 5, Telecommunications Rules and Regulations, Sections 001, 002 and 003, as amended and enacted March 31, 2003, governing telecommunications contract carriers, shall not be applied retroactively to the application of Lincoln Electric System for contract carrier permit authority (Application C-2910) filed March 27, 2003. Commissioner Landis chairing.
- C-2910 Commission Hearing Room, Lincoln. Oral Argument
1:30 Lincoln Electric System, Lincoln, seeking contract carrier permit authority. Commissioner Landis chairing.

COMMUNICATIONS DEPARTMENT

Cheryl Elton presented a report on telecommunications complaints received by the Communications Department during the preceding month.

FC-1313 In the Matter of A&H Enterprises, d/b/a Platte Valley Internet, Columbus, vs. Citizens Communications, d/b/a Frontier, Burnsville, Minnesota, regarding a billing dispute: Gene Hand informed the Commission that the complaint was filed July 18, 2003. Notification was sent that if a Statement of Satisfaction is not received, Citizens' answer is due August 11, 2003.

SC-004 In the Matter of Maurice Gene Hand, Director, Communications Department, Nebraska Public Service Commission, vs. Lightyear Communications, Respondent: Gene Hand informed the Commission of a proposed stipulation. Upon agreement of all Commissioners present, the terms of the stipulation were approved. The hearing scheduled for a date later to be determined was cancelled.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2910 In the Matter of Lincoln Electric System, Lincoln, seeking contract carrier permit authority: Upon agreement of all Commissioners present, a Protective Agreement was approved.

C-2940 In the Matter of the Commission, on its own motion, seeking to determine whether the retail service quality provided by ALLTEL is adequate: Gene Hand informed the Commission that ALLTEL's Service Quality Report for the month of June 2003 was filed July 30, 2003. The staff provided a spreadsheet with September 2001 through August 2002 service quality data as reported by ALLTEL.

C-2975 In the Matter of Essex Communications, Inc., d/b/a eLEC Communications, New Rochelle, New York, seeking to voluntarily relinquish its certificate to provide telecommunications services in the state of Nebraska and withdraw current tariffs: Upon agreement of all Commissioners present, the application was granted.

C-2976 In the Matter of The Hemingford Co-operative Telephone Company, Hemingford, seeking authority to issue long-term indebtedness: Upon agreement of all Commissioners present, the application was granted.

C-2979 In the Matter of Motion Telecom, Inc., Englewood, Colorado, seeking authority to resell long distance services and provide prepaid calling card services in the state of Nebraska: Upon agreement of all Commissioners present, the application was granted.

Gene Hand discussed the status of a new docket wherein the Commission, on its own motion, would seek comments to facilitate the implementation of the Federal Communications Commission's Triennial Review determinations in Nebraska. The staff was directed to work with Commissioner Boyle to draft an order to open a docket. Commissioner Boyle will preside as Hearing Officer.

Gene Hand discussed an ALLTEL press release announcing that 11 more Nebraska communities now have access to digital subscriber line (DSL) technology.

C-2972 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of an amendment to the interconnection agreement with Page Data, Boise, Idaho, for the state of Nebraska previously approved in C-2876: Upon agreement of all Commissioners present, the amendment was approved.

C-2973 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of an amendment to the interconnection agreement with HunTel CableVision, Inc., d/b/a HunTel Communications, Blair, for the state of Nebraska previously approved in C-2921: Upon agreement of all Commissioners present, the amendment was approved.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2974 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of an amendment to the interconnection agreement with AT&T Wireless Services, Inc., Redmond, Washington, for the state of Nebraska previously approved in C-2100: Upon agreement of all Commissioners present, the amendment was approved.

FC-1306 In the Matter of Mid America Pay Phones, Omaha, vs. ALLTEL Communications, Lincoln, alleging unsatisfactory business practices: The staff informed the Commission that parties have indicated a joint proposal will be submitted to the Commission for consideration which will resolve issues raised in the motion for reconsideration, clarification and stay filed by ALLTEL on July 21, 2003.

Water Division

W-009 In the Matter of Bow Valley Waterworks, Bow Valley, seeking authority to increase water rates effective October 1, 2003: Gene Hand informed the Commission that the application was received July 21, 2003.

UNIVERSAL SERVICE FUND

NUSF-26 In the Matter of the Commission, on its own motion, seeking to establish a long-term Universal Service Funding Mechanism: A workshop was scheduled for October 1, 2003, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

Shana Knutson reported on the late-filed carrier remittances seeking to impose late fees. The request was approved without objection.

E911 DEPARTMENT

911-02 In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund: Upon agreement of all Commissioners present, an order was entered to schedule a hearing for September 3, 2003, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

PSAP-001.4 In the Matter of Sarpy County PSAP, Papillion, seeking funding approval for recurring and non-recurring costs of Wireless E911 implementation: Upon agreement of all Commissioners present, the application was granted.

PSAP-009.1 In the Matter of Chase County PSAP, Imperial, seeking approval for supplementary funding for costs associated with Wireless E911 implementation: Upon agreement of all Commissioners present, an order was entered to reimburse PSAP for the June, 2000 upgrade.

E911 DEPARTMENT (Cont.)

PSAP- In the Matter of Furnas County PSAP, Beaver City, seeking
020.2 funding approval for recurring and non-recurring costs of
Wireless E911 implementation: Upon agreement of all Com-
missioners present, the application was granted.

PSAP- In the Matter of Holt and Boyd Counties PSAP, O'Neill,
021.1 seeking approval for supplementary funding for costs of
Wireless E911 implementation: Upon agreement of all Com-
missioners present, an order was entered to reimburse PSAP for the
March, 2002 upgrade.

PSAP- In the Matter of Harlan/Phelps Counties, Holdrege, seeking
024.1 funding approval for additional costs associated with Wire-
less E911 service: Upon agreement of all Commissioners
present, an order was entered to reimburse PSAP for the May, 2003
upgrade.

Director Kara Thielen discussed the following items:

- Federal Report.
- Wireless carrier cost recovery through additional surcharges.
- T-Mobile order (pANI Management, order that outlines responsibility of parties).
- Rules and regulations for ongoing maintenance.

NATURAL GAS AND WATER DEPARTMENT

NG-001 In the Matter of Aquila, Inc., d/b/a Aquila Networks
NG-002 (Aquila), Omaha, seeking a general rate increase for
NG-003 Aquila's Rate Area One, Rate Area Two and Rate Area Three:
Upon agreement of all Commissioners present, an order was
entered to schedule a planning conference for August 13, 2003, at 2:00
p.m. in the Commission Library, Lincoln.

NG-004 In the Matter of Aquila, Inc., d/b/a Aquila Networks
(Aquila), seeking a waiver of notice and publication and to
implement supply cost adjustment rate schedules for Aquila's Rate Area
One, Rate Area Two and Rate Area Three: A hearing was scheduled for a
date later to be determined.

NG-0005 In the Matter of Tariff for Natural Gas Service Available
in the Entire Territory Served by Kinder Morgan, Inc. in
the State of Nebraska: Upon agreement of all Commissioners present,
an order was entered acknowledging initial tariff filing.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 13, Modular Housing Unit Construction Rules and Regulations, by creation of an ad hoc committee and to adopt rules in accordance with current construction codes: Upon agreement of all Commissioners present, a Certificate of Adoption was entered.

TRANSPORTATION DEPARTMENT

B-1612 In the Matter of Thomas J. Wyman, dba American Eagle Shuttle Service Express, Omaha, seeking authority as a common carrier of passengers by van in open class service between points in Douglas and Sarpy counties and between points in said counties on the one hand, and, on the other hand, points within a 60-mile radius of Douglas and Sarpy counties. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Upon agreement of all Commissioners present, the application was denied.

B-1543 In the Matter of James Santana, dba Lexington Taxi Cab, Lexington, seeking a Certificate of Public Convenience and Necessity as a common carrier of passengers and their baggage by taxicab between points in the City of Lexington and Dawson County and between points in the City of Lexington and Dawson County, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: The hearing previously set for September 18, 2002, was continued to August 12, 2003, at 9:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Vap will preside as Hearing Officer.

B-1627 In the Matter of Advantage Transport, Inc., Sioux City, Iowa, seeking authority as a common carrier of passengers by charter bus over irregular routes between points in Nebraska. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Upon agreement of all Commissioners present, the application was granted as amended.

B-1608 In the Matter of Donald A. Cowette, dba Run About, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in open class service by van between points in Lancaster County over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: The hearing previously set for August 6, 2003, was continued to a date later to be determined.

B-1630 In the Matter of Danny L. McMullen, dba Personal Touch Limousine Service, Grand Island, seeking authority as a common carrier of passengers by limousine in Nebraska intrastate commerce between points on and west of US Highway 81 and between points in said area and points in Nebraska by luxury or stretch limousines.

TRANSPORTATION DEPARTMENT (Cont.)

B-1630 RESTRICTION: The transportation of railroad train crews (Cont.) and their baggage is not authorized: A hearing was set for October 22, 2003, at 10:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Rod Johnson will preside as Hearing Officer.

Rate Division

TR-130 In the Matter of Rick Holloway, dba Taxi Specialties of Lexington, Lexington, seeking authority to establish taxi rates in Lexington: Upon agreement of all Commissioners present, the application was granted on an emergency basis.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-E: The fuel surcharge was increased to 16 cents per mile and the taxi surcharge was retained at 20 cents per trip.

The Commission recessed at 11:10 a.m and reconvened at 3:40 p.m. with Commissioners Boyle, Landis, Rod Johnson, and Lowell Johnson present and Commissioner Vap excused.

GENERAL ADMINISTRATION

The Commission approved the following invoices:

DAS - Communications	\$ 2,723.34
DAS - IM Services	303.34
DAS - Materiel - Postage	417.44
DAS - Materiel - Printing	546.99
DAS - Materiel - Contractual Ads	895.98
DAS - Materiel - Copy Service	2,639.24
DAS - Transportation Services Bureau	555.39
Anderson Ford	15,897.00
Larry Fauss	800.00
IBM	666.00
The Kalos Group, Inc.	26,662.89
NARUC	1,237.00
NARUC	8,031.00
Performance Dodge	18,453.00
Steven Stovall	433.98
Anne Boyle	1,972.59
Lowell Johnson	762.12
Rod Johnson	407.61
Frank Landis	831.80

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Aksarben TDD Service	1,726.25
Associated Hearing Health Care	441.75
Audiology Services an HAC, P.C.	199.90
Harris Communications	592.55

GENERAL ADMINISTRATION (Cont.)

Grand Island Hearing Aid	\$ 797.78
Hearing Aid Specialists, Inc.	754.00
McCook Pharmacy & Medical Supply	506.85
Carl A. Johnson	2,128.00
K-D Communications	1,379.95
Professional Hearing Aid Services	2,465.85
Professional Hearing Aid Services	2,514.00
The Hearing Clinic Inc.	195.00
TelTex	1,006.75
TelTex	206.90
R & J Enterprises	1,432.67
Sherard Hearing Aid Center	836.99

Upon agreement of all Commissioners present, authorization was granted for Kara Thielen to attend the Public Safety Communications Officials (APCO) conference to be held in Indianapolis, Indiana from August 10-14, 2003, with the majority of expenses to be paid by grant money from APCO.

Upon agreement of all Commissioners present, authorization was granted for Robert Bowman to travel to Clay Center, Kansas, on August 6, 2003, to perform a modular housing unit factory inspection of Wardcraft Homes with all expenses, including time, to be reimbursed to the Commission by Wardcraft Homes.

The meeting adjourned at 3:45 p.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, and Landis present and Commissioner Vap excused. The next regularly scheduled meeting will be held on August 12, 2003, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on August 11, 2003.

Chair

Deputy Director